

REMARKS

Upon entry of the present amendment, Claims 1-5 and 7-10 will be pending. Claim 6 has been canceled without prejudice. Claims 1-5 and 7-9 have been amended and Claims 10-11 have been added to define Applicants' invention with greater particularity. No new matter is introduced as the amended and new claim language is fully supported by the specification and original claims. In addition, the Abstract has been amended to correct minor informalities. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Applicants respectfully traverse the objection to the Abstract as containing certain informalities. Per the Examiner's request, the Abstract has been amended to contain a single paragraph and delete the phrase "FIGURE 1." Accordingly, Applicants respectfully request that the objection to the Abstract be withdrawn.

Applicants also respectfully traverse the objections to claims 1-9 as containing the phrase "characterized in that." With regard to Claim 1, the phrase "characterized in that" has been amended to "comprising." The same phrase recited in Claims 2-9 has been changed to recite "wherein" in order to conform to the terminology used in U.S. claim practice. Therefore, Applicants respectfully request that the Examiner withdraw these objections.

The rejection of Claims 1-9 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for allegedly failing to particularly point out and distinctly claim that which Applicants regard as the invention, is respectfully traversed. Applicants submit that Claims 1-5 and Claims 7-9, as amended, are clearly written. Thus, the phrase "in particular," recited in Claims 1, lines 2 and 9 and Claim 5, line 3, has been deleted. The phrase "is distributed" recited in Claim 1 has been changed to "distributing" to impart a positive manipulative step to the process claim. The phrases "(by spreading)" and "the whole operation," recited in Claim 1, have been deleted. The term "preferably" recited in Claims 3 and 6 and the term "and/or" recited in Claim 9 have also been deleted. The phrase "palm oil is used," recited in Claim 8, has been amended to "the

vegetable oil is palm oil.” These amendments broaden the claim scope or retain the same claim scope as the original claims. Therefore, the amended claims are entitled to a full range of equivalents.

Regarding Claim 7-9, the Examiner’s attention is directed to the Preliminary Amendment submitted with the application on July 20, 2001. In this amendment, multiple dependencies were removed from all claims, including Claims 7-9. Therefore, Claims 7-9 are properly dependent on Claim 1.

By the present amendment, the basis of each indefiniteness rejection has been removed. Accordingly, Applicants respectfully request that the rejection of Claims 1-5 and 7-9 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The rejection of Claims 1-5 and 7-9 under 35 U.S.C. § 102(b) as allegedly being anticipated by EP 0449005 (hereinafter “Badertscher”), is respectfully traversed. Each of the claims at issue distinguish over Badertscher by reciting a dehydration process that is conducted without addition of lecithin. By contrast, the food dehydration procedure disclosed by the cited reference requires lecithin.

Badertscher differs fundamentally from the present invention. Badertscher teaches a process for dehydrating food products using an apparatus comprising two cylinders in which the food product is applied in the form of a film to the first cylinder at a temperature permitting the dehydration of the product. Badertscher, Claim 1. It is further disclosed that the heated cylinder may be a non-chromium-plated cylinder coated with lecithin. *Id.*, Claim 2. Indeed, the reference provides a number of examples in the table on page 4 showing the effects of differing amounts of lecithin with and without citric acid. The Examiner has pointed to no statement in the Badertscher that teaches the claimed process without the addition of lecithin.

Indeed, the cited reference is but an example of the prior art discussed in the present application on pages 3-5 and from which the claimed invention is distinguished. Thus, on page 4

of the specification it is noted that soybean lecithin is a traditional lubricating agent for rollers used in the dehydration of food. Specification, page 4, lines 6-14. In addition, soybean lecithin makes it possible to obtain a food product with a bright flake and pleasant appearance, and has been essential to previous dehydrating processes for most plant materials. *Id.*, lines 15-16, 21-26. However, due to recent considerations linked to the development of certain genetically modified raw materials, including soybean, it is desirable to develop alternative lubricating agents with the same or nearly the same properties. *Id.*, page 4, line 26 – page 5, line 8. Hence, the present process was developed to use vegetable oil specifically without the addition of lecithin. Badertscher simply does not teach this element of the invention and cannot anticipate it.

Moreover, the cited reference fails to disclose numerous claimed embodiments of the present invention. For example, Badertscher does not disclose a dehydrating process in which the quantity of oil deposited is at most 1% by weight relative to the weight of the dry matter (Claim 3); that the vegetable oil may be distributed on the heated wall with the aid of a roller (Claim 4); that the vegetable oil may be distributed on the heated wall by spraying (Claim 5); that the film of vegetable oil may be distributed intermittently (Claim 7); and that palm oil may be used to coat the heated wall (Claim 8). In addition, Badertscher does not disclose a dehydrating process in which the quantity of oil deposited is at most 0.5% by weight of the dry matter (new Claim 11). Accordingly, Applicants respectfully submit that Claims 1-5 and 7-9 as well as new claim 11 are not anticipated by the cited reference and request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

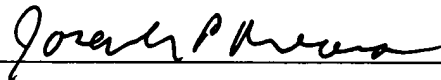
Applicants thank the Examiner for indicating that Claim 6 is free of the prior art and would be allowable if rewritten in independent form. By the present communication, Applicants have canceled Claim 6 and rewritten it as new Claim 10 to include all the elements of Claim 1. Applicants therefore respectfully request allowance of Claim 6.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date May 12, 2004

By 

FOLEY & LARDNER LLP

Customer Number: 23533

Telephone: (608) 258-4303

Facsimile: (608) 258-4258

Joseph P. Meara

Attorney for Applicants

Registration No. 44,932